

# DECLARATION AND POWER OF ATTORNEY FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. ASIAP113 #3

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: ENRICHED MILK WITH CAPSULES CONTAINING NUTRIENTS, the specification of which,

(check one) 1.  is attached hereto.

APR 03 2002  
PATENT & TRADEMARK OFFICE  
U.S. Patent and Trademark Office  
2.  was filed on December 14, 2001 as  
U.S. Application Serial No. 10/017,032  
and was amended on \_\_\_\_\_.

3.  was filed on \_\_\_\_\_ as  
International PCT Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR § 1.56.

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

## Prior Foreign Application(s)

2000-77012  
(Appl. No.)

Republic of Korea  
(Country)

December 15, 2000  
(Filing Date)

Priority Benefits Claimed?

Yes  No

2001-72693  
(Appl. No.)

Republic of Korea  
(Country)

November 21, 2001  
(Filing Date)

Yes  No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

## Prior U.S. Application(s)

(Application Serial No.)

(Filing Date)

(Status - patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status - patented, pending, abandoned)

And I hereby appoint the law firm of Martine & Penilla, L.L.P., including Peter B. Martine (Reg. No. 32,043), Albert S. Penilla (Reg. No. 39,487), Chester E. Martine, Jr. (Reg. No. 19,711), Edmund H. Mizumoto (Reg. No. 46,938), Joe A. Brock II (Reg. No. 46,021), Rick von Wohld (Reg. No. 48,018), Michael L. Gencarella (Reg. No. 44,703), and George Brian Leavell (Reg. No. 45,436) as my principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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